

**KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP**

Kathy Dutton Helmer (KDH 9571)
One Newark Center, Tenth Floor
Newark, New Jersey 07102
(973) 848-4000

Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MEDTECH PRODUCTS INC.,

Plaintiff,

VS.

POWER PRODUCTS, INC.,

Defendant.

No.: 07 CV-3305

**DEFENDANT'S MOTION FOR EXTENSION OF TIME TO ANSWER OR RESPOND
TO COMPLAINT FOR INJUNCTIVE RELIEF AND MONEY DAMAGES**

COMES NOW Defendant Power Products, Inc. d/b/a Splintek, pursuant to Fed. R. Civ. P. 6(b), and moves the Court to grant it a thirty-day extension of time in which it may file its answer or may otherwise plead in response to the Plaintiff's Complaint for Injunctive Relief and Money Damages (the "Complaint"). The requested extension would permit Defendant to plead in response to the Complaint on or before June 18, 2007.

According to the affidavit of service that Plaintiff has filed herein, Plaintiff served the Complaint on Defendant on April 27, 2007. Accordingly, Defendant's first responsive pleading to the Complaint is otherwise due on May 17, 2007. This motion is Defendant's first request for an extension of time within which to plead to the Complaint. Plaintiff has consented only to a 14-day

extension of time but would not consent to the 30-day extension requested herein for the reason that it believes its claims are too urgent for a 30-day extension.

Good cause exists for the requested extension. Defendant needs sufficient time to evaluate whether it must raise Rule 12 defenses by motion and if so, to prepare such a motion and suggestions in support thereof. If not, Defendant needs sufficient time to review the numerous factual allegations, exhibits and legal claims set forth in or attached to the complaint, and to prepare and finalize its answer to those allegations. In order to do so, Defendant requires a thirty-day extension of the responsive pleading deadline. Affording Defendant sufficient time to prepare its motion and/or answer would serve the interests of justice. The requested extension is not sought to delay the litigation and would not prejudice any party.

WHEREFORE, Defendant respectfully prays that the Court enter its Order extending the time within which Defendant may file its answer or otherwise plead in response to the Complaint up to and including June 18, 2007.

Respectfully submitted,

KIRKPATRICK & LOCKHART PRESTON
GATES ELLIS LLP

/s/ Kathy Dutton Helmer
One Newark Center
Newark, New Jersey 07102
Telephone:(973) 848-4000
Facsimile: (973) 848-4001
E-Mail: khelmer@klnj.com

ATTORNEYS FOR DEFENDANT

Of counsel:

SPENCER FANE BRITT & BROWNE LLP
Barry L. Pickens
1000 Walnut, Suite 1400
Kansas City, MO 64106
Telephone: (816) 474-8100
Facsimile: (816) 474-3216
E-Mail: bpickens@spencerfane.com

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May, 2007, I caused a copy of the foregoing document to be served by United States mail, postage prepaid, and by the Court's CM/ECF system, upon the following:

Karl Geercken
Amy Manning
ALSTON & BIRD LLP
90 Park Avenue
New York, NY 10016-1387
Tel.: 212.210.9471
Fax: 212.210.9444
Email: karl.geercken@alston.com
amy.manning@alston.com

/s/ Kathy Dutton Helmer